THE COURTS.

The Roosevelt Hospital Assessment Case.

Liability of Charitable Institutions for Assessment for Local Improvements.

Harmonious Accords and Acrimonious Discords.

PENALTIES FOR VIOLATING THE GAME LAW.

James H. Roosevelt, the wealthy bachelor, who died In November, 1863, left, as is well known, a large sum for founding a hospital. In his will be gave special directions that a liberal charter should be obtained From the Legislature or otherwise that the money devoted for this purpose should be paid to the United States government to be used for a like object. Not wishing to lose the advantage of such a great charity, the Legislature in the act of incorporation prescribed that the institution should be exempt from taxation and entitled to the benefit of the provisions of the law in this respect regarding charitable institutions. The hospital was built, occupying the block of ground bounded by Fifty-eighth and Fifty-inith streets and Ninth and Tenth avenues. Until two years ago, no taxes or assessments were levied upon the institution, when it was assessed \$9.835 17 for building a sewer in Ninth avenue. It was claimed that such assessment was in violation of the act of incorporation and payment of the same was refused by the trustees. The city threatened to sell the institution, grounds and all, in default of such payment. As may be imagined the matter has been pretty hotly contested in the courts. Some time since the case came up for a hearing before Judge Lawrence, in Supreme Court, Chambers, and was argued at great length, the points of the argument being published in the Herald at the time. Judge Lawrence gave a decision yesterday, embedying the same in an elaborate opinion. The opinion, however, is purely of a technical character, and made up mainly of citations from authorities bearing on the points involved. In conclusion, he denies the application to vacate the assessment on the ground that the exemption provided for in the charter cannot be interpreted as intending more than exemption from general taxation, and cannot include exemption from assessments for local improvements. As the case, however, is an important one, he gives a stay of proceedings, so as to enable the plaintiffs to carry the case to the General Term for review. and entitled to the benefit of the provisions of the law

A MUSICAL DISCORD LITIGATION. It will be remembered that in April last a mammoth concert was advertised to be given at Barnum's Hippodrome under the auspices of Miss Linda Gilbert, well known as a lady who interested herself in supplying the various penal institutions of this State with libraries, the proceeds of which were to be applied to that charity. In order to make the concert in question a great success, such distinguished artists as Drasdil, Thursby, Bischoff and Remmertz were engaged. and to satisfy the "Jubilee" spirit an overpowering chorus and orchestra was proposed. Dr. Leopold Damrosch being well known as a leader of the larger singing societies of this city and Brooklyn, several interviews were had with him by Miss Gilbert's agents, among them Henry S. Goodspeed, and an arrange ment made by which the Oratorio and Arion Societies of New York, and the Handel and Haydn of Brocklyn, were to take part in the concert, and \$500 to be paid to Dr. Damrosch before the opening of the concert for his and their services, excepting the Arion, which society generously attended without fee or reward. This agreement was reduced to writing, and Dr. Damrosch, requiring some security for the payment, Mr. Goodspeed, who acted in the capacity of treasurer, signed his name to it as a guarantor. At the time fixed for the payment a check for the amount was duly handed to Dr. Damrosch, signed by Mr. Goodspeed, and the concert proceeded, it being admitted on all sides to have been a musical success, but, unfortunately, pecuniarily quite the contrary, tho proceeds hardly having been sufficient to defray the expenses of the building. On the check being presented at the bank it appeared that payment had been stopped, and on inquiry it appeared that the point was made that Dr. Damrosch had not fulfilled his contract, by procuring such an attendance of the singing societies as he had promised. The contract, as alleged, provided for the services of the 'combined societies.'" Dr. Damrosch brought suit against Mr. Goodspeed, and the case came to trial before Judge McAdam, of the Marine Court. The evidence on defendant's part was that the plaintiff guaranteed the attendance of at least 600 performers, out of a membership of 700, for which number seats were provided, whereas but about 300 attended. On this point a great many witnesses were called, doorkeepers to the number of singers' tickets taken at the doors, and managers and ushers to estimate the number on the platform, among them a gentleman who testified that he was unable to estimate, referring the defendant to the officers of the societies present, who informed him that a two-third attendance would be a fair average. As to the number of singers who weuld appear, but, on the contrary, on being inquired of on that point, stated that he was unable to estimate of on that point, stated that he was unable to estimate o of New York, and the Handel and Haydn of Brooklyn were to take part in the concert, and \$850 to be paid to present, the secretaries tessined that by their rolls kept at the time about 400 appeared. The plaintiff further testified that at the close of the concert he was congratulated by the managers upon his success, and no complaint as to numbers was made. Judge McAdam charged the jury that if there was a substantial performance of the contract the plaintiff was chittled to a verdict, but that if he failed in any material particular the defendant was entitled to a verdict in his favor. The jury returned a verdict for \$887 98 in favor of plaintiff.

PISCATORIAL PENALTIES.

Royal W. Phelps, President of the society whose leading object is to look out for infringements of the game laws, brought suit against William H. Middleton and Gibson Carman to recover \$2,500 as penalty for having in their possession and exposing for sale out of season 100 speckled trout. The case has been in litigation for some time, and the facts fully published litigation for some time, and the facts fully published in the Herald. The answer admitted the possession of the fish, but claimed that they were preserved fish sent here from Canada, and, further, that the game laws grohibiting their sale is unconstitutional. The plaintiff demurred to the answer, and Judge Van Brunt sustained the demurrer, with leave to amend the answer on payment of costs. On application yesterday to Judge Davis, in Supreme Court, Chambers, the costs not having been paid, a rehearing was had, and at its conclusion he ordered judgment for the full amount chained.

DECISIONS.

SUPREME COURT-CHAMBERS.

SUPREME COURT—CHAMBERS.

By Judge Davis.

Forbes vs. Willis; Leveridge vs. Waterbury; Spooner vs. Metropolitan Collar Company; MacKeller vs. Gettey; Smith vs. Vibbard; Watkins vs. Traphagen; Sharp vs. Mead (No. 1); Sharp vs. Mead (No. 2); Kurzman vs. Behning; Mutual Life Insurance Company vs. Tailman; Murtha vs. Murtha; German Savings Bank vs. McCool; Van Schauck vs. Scott; Cram vs. Sterling; Melick vs. Yan Schauck vs. Scott; Cram vs. Sterling; Melick vs. Power; Levy vs. Vibbard; Matter of Kingsbridge Road, &c.; Van Schaick vs. Gregory; Martin vs. Martin; Moyer vs. Cohen; Horries vs. Worrall et al.; Hoff vs. Tonics; Townshend vs. Johnson; Pond vs. Fairchild; Matter of Market Insurance Company; Green vs. Moses; Mutual Life Insurance Company vs. Lewis; Hayos vs. Dickinson; Gaus vs. O'Reilly; Matter of Fox.—Granted. Mulock vs. Berry.—Motion granted, \$10 costs. Memorandum.

Kelly vs. The People. &c.—Writ of error granted.

randum.

Kolly vs. The People, &c.—Writ of error granted.
The People ex rel McNamara vs. Collors.—Com-laint sufficient; prisoner remanded and writ dismissed.

Brown vs. McGuinness.—Attorney will prepare a

Brown vs. Rootsins.

Proper order recitals.

By Judge Lawrence.

By Judge Lawrence.

Duncan.—Motion to vacate order of ar-Test denied, with costs.

By Judge Donohue.

Brodt vs. Scott, Joley vs. Lacombe.—Motions

granted.
Clark vs. Wicks, &c.—Motion denied. Memorandum.
Tribune Association vs. The Sun Printing and Publishing Company and ano.—Opinion.
Matter of Saul.—Granted.
Mina Hoffman vs. William G. Hoffman.—Report of
referee confirmed and decree of divorce granted to the

Murray vs. Roumaine.—Undertaking approved.

SUPREME COURT-CIRCUIT-PART 2.

By Judge Van Worst.
Dunphy vs. The Mayor, &c.—See memorandum SUPREME COURT-SPECIAL TERM.

By Judge Donohue.

Bradhurst vs. Townsend.—Judgment for defendant on demurrer, with leave to plaintif to amend.
George, the Count Johannes, vs. Third Avenue Raltroad Company.—Motion for new trial denied. SUPERIOR COURT-SPECIAL TERM.

Anna C. Holmes vs. John B. Holmes. -- Order set-

SUMMARY OF LAW CASES. Judge Westbrook yesterday appointed Samuel H. Hurd receiver of the Third Avenue Savings Bank, in the place of Mr. S. Carmen, removed. He gave bonds in the sum of \$150,000.

The case of Charles Schultz, the alleged German forger, whose extradition is asked for by the German Consul, was yesterday further continued by United States Commissioner Shields until December 28.

In the United States Circuit Court, Equity Branch, Jodge Jonuson yesterday confirmed the judgment of the

District Court in the suit in Admiralty of James Bigler against the steaming Neilte.

Judge Donohue in a decision yesterday continues the injunction restraining the Sun Printing and Publishing Company and the Superintendent of Buildings from working on the land of the Tribune to repair the

cast wall of the Sun building.

John Anderson, rectifier of spirits at No. 513 West Fifty-second street, was brought before United States Commissioner Shields yesterday, charged with making false entries of liquors in the book which he is required

by law to keep. He was committed for further examination, with ball fixed at \$1,000.

The December term of the United States Circuit Court, Criminal Branch, before Judge Benedict, will begin this morning. A Grand Jury will be empanelled at the opening of the court, and it is understood business of a very important nature will be brought before it.

the suit of the government against George N. Goffit, manufacturer of matches, and also his bondomen, Nelson Dowey and A. N. Starr, to recover \$6,215, the amount of revenue stamps furnished him on credit, was tried yesterday in the United States District Court before Judge Blatchford, when a verdict was rendered for the government for the full amount with interest.

William E. Brown, the boy arrested last Saturday for stealing letters from boxes in the Post Office, and who has since made a full confession of his guilt, waived examination yesterday before United States Commissioner Shields, and was committed, in default of \$2,000 ball, to await the action of the Grand Jury.

In the Clerk's office of the Court of Common Pleas the tollowing assignments were made yesterday:—William E. Schults to Alonzo Morrison, liabilities, \$3,148; nominal assets, \$12,268 and real assets, \$3,275. William Miller to Henry Walsh; liabilities, \$3,435; nominal assets, \$1,503, assets, \$1,003.

In the suit of Washington Roebling and others against Duncan, Sherman & Co., to recover \$4,000 on a draft on London, purchased at their banking house, orders of arrest. He gave his decision yesterday, refusing to vacate the orders.

A decision interesting as regards culpability in cases of city railway casualities was given yesterday in the Superior Court, General Term, Judge Moneil writing ore it.

The suit of the government against George N. Goffit,

corders of arrest. He gave his decision yesterday, refusing to vacate the orders.

A decision interesting as regards culpability in cases of city railway casualties was given yesterday in the Superior Court, General Term, Judge Monoil writing the opinion. William G. Hajbin, in attempting to get on a Third avenue car, was struck by one of the horses of a car coming from an opposite direction. At the trial be got a verdict of \$2,000 against the company, from which an appeal was taken. The Court holds that he was guilty of negligence and set aside the verdict, ordering a new trial.

About two years ago William K. Clare, while walking through Wall street, was hit by a plank falling from one of the upper stories of the building occupied by the City Bank. In a suit for damnges he obtained a verdict for \$2,000. The bank appealed the case to the Superior Court, General Term, and the latter tribunal reverses the judgment and grants a new trial. The point of reversal was that the contractor engaged in repairing the building at the time, if any one, was responsible and not the City Bank.

The testimony in the Barrmore contested will case was concluded yesterday before Surrogate Hutchings. The only point of interest in the testimony was the statement made by Win. A. Townsond, the publisher, brother-in-law of Robert McCullough, who is a son-in-law of the deceased, and the latter, also one of the heirs. This statement was to the effect that in a conversation with McCullough, about 1871, that gentleman told him that the family had induced the old man to cut off his daughter, Mrs. Eldridge, on account of the differences between her husband and Mr. Barrmore. The case will be summed up by counsel on Monday next.

William M. Newman in 1861 had a store in Camden, Ark, the stock in which he claimed was worth \$18,000. George H. Goddard, as the representative of a vigilance committee, as alleged, drove Newman from the store and took possession of the premises and the goods. Newman brought suit against Goddard for \$100,000 damages, in

COURT OF GENERAL SESSIONS. Before Judge Sutherland.

RESURRECTION, CONVICTION AND PUNISHMENT. The only case tried in the General Sessions yesterday was that of Levi Ahrens, indicted for receiving stolen goods. The particulars of the case have been made known to the public through the repeated attempts of his counsel, Messrs. William F. Kintzing and John O. Mott, at every term of the Court since July last to have the case brought to trial, the prisoner having meanwhile been confined in the Tombs, and through the investigation of the matter made by the Assembly Committee on Crime a short time ago. Assistant Dis trict Attorney Herring opened for the prosecution in a powerful speech, in which he denounced the offence for which the prisoner was indicted as the crime of crimes, inasmuch as receivers of stolen goods were the originators of robberies and the educators of criminals. The story of Ahrens' crime as related by Mr. Herring, and which the jury evidently accepted as the truth, was as

Brush Brothers, dealers in fur goods 429 Broome Brush Brothers, dealers in fur goods 420 Broome street, discovered in March, 1873, that a porter named John Rodemacher, who had been in their service for many years, had been systematically robbing them of fur goods. They at once hired officer Russell D. Wiley, who was at that time a private detective, to watch the delinquent. The officer saw Rodemacher come out of the building one night with a suspicious looking bundle, and therefore followed him to the house of Ahrens, No. 227 Broome street, which the porter entered. He soon after emerged minus his bundle. The premises were subsequently searched, and in the bedroom were found sixteen different parcels of furs, several of which Brush Brothers remembered to have seen lying in the subcellar of their warchouse. Ahrens and the porter were at once arrested, and the latter, pleading guilty, was sentenced to three months' imprisonment in the Penitentary. As Ahrens denied all knowledge of Rodemacher and the goods he was held in bail to appear for trial. When the case had been placed on the calendar his married daughter, Mrs. Rachel Ramth, came to the District Attorney and stated that her father was dead and buried, at the same time showing the burial certificate. The bonds were thereupon cancelled and the case expunged from the calendar. Some time afterward it was found that the accused was not dead, but very much alive, being actively engaged in his old business. He was Tearrested five months ago and has since lain in the Tombs. The story detailed above was corroovarded on the stand vesterday by the Mesars, Brush, Officer Wiley and Officer Holloway, who arrested Rodemacher. The prisoner went upon the stand and swore that he had never received any stolen goods. Ahrens' wife, dagphter-in-law and several friends swore to his general good character. His counsel moved for his discharge on the ground that there was not evidence to convict him, but the motion was denied by the Court. The jury were absent from their seats for half an hour, when they returned with a verdict o

WASHINGTON PLACE POLICE COURT. Before Judge Morgan.

POLICY DEALER ARRESTED. George Thompson, of No. 100 West Houston street.

was held in \$1,000 bail for violation of the Lottery laws. The complainant was Detective Slevin, of the Fifteenth precinct, who found the prisoner dealing out the prizes. The officer also found thirteen colored men and women in the office, all of whom were sent home. TOBACCO THEFT.

George Hawkins and Arthur White were held in \$300 bail each for stealing tobacco from A. J. De Good, of No. 440 Hudson street.

A BARTENDER IN TROUBLE.

Peter Hogan, of No. 442 West Thirty-fifth street, was held in \$1,000 bail for stealing a gold chain and \$31 in money from Edward F. Flynn, of Plainfield, N. J.
The complainant, Flynn, and a witness, Thomas Lynch,
were sent to the House of Detention. The alleged robbery took place in a saloon at No. 455 Tenth avenue,
where the prisoner was barkeeper.

ATTEMPTED RAPE.

Louisa Smith, residing in Broome street, a young and pretty girl, made a complaint against William Daney, a boarder in the same house, for entering her room through the window at midnight on Monday night. The girl fled in her night dress to the street and caused Daney's arrest. He said he was drunk, but Justice Morgan required him to furnish \$400 bail to keep the peace for six months. The girl stated that Daney had previously made improper proposals to her and she was afraid of him.

ROBBERY IN PROVIDENCE, R. L. William Hamilton, of Providence, R. I., was charged by Patrick Monahan, of the same city, with stealing clothing valued at \$56. The prisoner was remanded to await an extradition, as the alleged theft took place a Providence, R. I.

A BOGUS CHECK. A few days ago Kate Strausse, of No. 86 West Third street, advertised that she had for sale a diamond ring and a sealskin sacque. Amongst the replies was one

POLICE COURT NOTES.

. At the Tombs Police Court yesterday Michael Hol-land, of No. 21 Albany street, was held to answer for selling liquor without a license.

Patrick McGagney, of No. 280 West Twenty-first

street, was also held to answer for pointing a loaded pistol at Gesene Marshall, of No. 122 Baxter street, piscol at Gesone Marshall, of No. 122 Baxter street, with icolous intent.

John Dunn, of No. 25 Desbrosses street; Charles Borich, of No. 379 Greenwich street, and James Reilly, were committed for trial in default of \$1,000 bail each on a charge of attempting to commit a burglary on the premises No. 169 West street.

There were very few cases before Justice Kasmire, at Essax Market Court, yesterday. Six cases of confessed vagrancy were sent to the Island for six months each.

COURT CALENDARS-THIS DAY.

SUPPREME COURT—CHAMBERS—Held by Judge Davis.—
08. 10, 29, 30, 31, 40, 41, 42, 46, 77, 91, 107, 110, 115, 13, 126, 131, 135, 138, 146, 147, 148, 150, 160, 167, 169, 70, 171, 182, 184, 200, 201, 207, 217, 221, 238, 245, 16, 250, 260, 261, 271, 277, 299, 305, 316, 317, 318, 320, 23, 334, 325, 329, 336, 346.

249, 256, 280, 261, 271, 277, 299, 305, 316, 317, 318, 320, 333, 324, 325, 329, 336, 346, 346, SUPLEME COURT—SPECIAL TERM—Held by Judge Barrett.—Law and fact—Nos. 9, 401, 576, 611, 615, 615, 529, 102, 488, 634, 93, 644, 557, 106, 484, 652, 653, 654, 563, 580, 213, 214, 75, 536, 533, 530, 213, 214, 75, 536, 533, SUPLEME COURT—GENERAL TERM.—Adjourned until December 31, 1875.

SUPREME COURT—CIRCUT—Part 1—Held by Judge Doubhue.—Nos. 1435, 1647, 1751, 623, 1911, 1607, 219, 843, 1203, 1867, 1737, 2819, 1822, 1835, 1305, 53, 381, 1450, 453, 156345, 1641, 3845, 393, 1977, 1979, 1981, 1983, 1985, 1989, 1991, 1993, 1997, 2001, 2005, 2007, 2007, 2011, 2013, 2015, 2017, 2023, 2029, 2031, 2033, 2035, 2037, 2039, 2041, 2043, 2047, 2051, 2057. Fart 2—Held by Judge Van Vorst.—Nos. 4188, 2962, 3189, 1562, 2706, 3170, 1648, 3632, 2228, 6304, 2618, 1248, 1028, 1536, 1454, 178, 698, 1424, 2888, 798, 220445, 224, 982, 1284, 1214. Fart 3—Held by Judge Lawrence.—Nos. 1133, 993, 323, 1621, 981, 1437, 1761, 1359, 831, 8994, 2740, 3589, 1119, 16175, 810, 823, 6354, 3044, 3209, 343, 1247, 1675, 1019, 9834, SUPERIOR COURT—TRIAL TERM—Part 1—Held by Judge Sedgwick.—Nos. 1, 5, 22, 35, 13.

COMMON PLASS—EQUITY TERM.—Adjourned until December 8, 1875.

SUPERIOR COURT—SPREIAL TERM—Held by Judge Sedgwick.—Nos. 1, 5, 22, 35, 13.

COMMON PLASS—EQUITY TERM.—Held by Chief

wiek.—Nos. 1, 5, 22, 35, 13.

Commor Pleas—Equity Term.—Adjourned until December 8, 1815.

Superior Court—General Term—Heid by Chief Justice Monell and Judge Curtis.—Nos. 20, 23, 20, 28, 30, 31, 32, 36, 37.

Commor Pleas—Equity Term—Held by Judge Robinson.—Nos. 18, 32, 43.

Commor Pleas—Equity Term—Held by Judge Robinson.—Nos. 18, 32, 43.

Commor Pleas—Terlal Term—Part 1—Held by Judge Latremore.—Nos. 3812, 1797, 1007, 985, 1231, 670-5, 696, 1245, 1245, 611, 1823-4, 1999, 1522, 1002, 1159. Part 2—Held by Judge Low.—Nos. 341, 1682, 1818, 1844, 2137, 1224, 185, 219, 1210, 1212, 1221, 1183, 1208, 566, 1236.

Marine Court—Thera Term—Part 1—Held by Judge McAdam.—Nos. 5791, 5837, 5313, 3836, 5859, 3851, 5641, 5626, 5755, 5861, 5667, 5816. Part 2—Held by Judge Alker.—Nos. 311, 2469, 1963, 2662, 2384, 2804, 3535, 3867, 5636, 5692, 3603, 5347, 5876, 8899, 3516. Part 3—Held by Judge Sutherland.—The People vs. Richard Crogan, robbery; Same vs. Lewis Rink and William Rink, robbery; Same vs. Marcus H. Albern, rape; Same vs. William Bennett, felonious assanlt and battery; Same vs. Rocky Brewer, felonious assanlt and battery; Same vs. Hugh O'Connor, Thomas Flaherty and James Murphy, burglary; Same vs. John Hill, grand larceny; Same vs. Hugh O'Connor, Thomas Flaherty and James Murphy, burglary; Same vs. John Hill, grand larceny; Same vs. Hillam Robinsay, grand larceny; Same vs. John Ramsay, grand larceny; Same vs. John Ramsay, grand larceny; Same vs. George Flahey and Benjamin Whitfield, burglary; Same vs. John Ramsay, grand larceny; Same vs. George Flahey and Rameny; Same vs. John Ramsay, grand larceny; Same vs. George Loomis and William Lowis, grand larceny; Same vs. Dohn Hill, grand larceny; Same vs. David Cailahan, assault and battery.

THE COURT OF APPEALS.

THE COURT OF APPEALS.

ALBANY, Dec. 7, 1875. Judgment affirmed with costs.-Carter vs. Dolby; omarest vs. Wickham; Coulter vs. Board of Educa-

tion; Justice vs. Lang.

Judgment reversed and new trial granted, costs to abide event.—The Bowery National Bank vs. The Mayor, &c., of New York; Mullen vs. The Mayor,

Order affirmed, with costs. - In the matter of the peorder ammed, with costs.—in the matter of the petition of the New York Central, &c., Bailroad vs. The Metropolitan Gaslight Company; People ex rel. Jermain vs. Thayer; Guernsey vs. Rexford.

Order reversed, with costs, and proceedings remitted to Special Term for rehearing.—The Equitable Life Assurance Society vs. Stevens.

Appeal dismissed, with costs.—Townshend vs. Van Buren.

Buren.
Order of General Term reversed and order of Special Term affirmed, with costs of this appeal.—Dulrympie vs. Williams.
Motion for reargument denied, with \$10 costs.—Price vs. Keyes.
Gerry vs. Gerry is a motion for reargument; A. J. Parker for the motion, A. J. Fithian opposed.—Ordered proceedings stayed until the Court shall examine the papers. Also motion to modify judgment in the same case by the same counsel. The Court took the napers.

the papers.

Union National Bank vs. Kupper.—A motion was made to amend remittitur; William Nichols for the motion, Daniel M. Van Cott opposed. The Court took

motion, Daniel M. Van Cott opposed. The Court took the papers.

Quincy vs. White.—Motion to accelerate the decision of cause. Samuel Ward for respondent.

Ten Eyck vs. Craig.—Motion for reargument. Henry R. Selden for motion, G. F. Danforth opposed.

No. 81. Selaver vs. Coe.—Upon stipulation filed default opened and case submitted.

Appeals from orders.—No. 274. In the matter of the petition of Fanny Levy to vacate an assessment.—William Barnes for appellant; F. S. Neville for respondent. No. 342. Isaac Faulks, appellant; N. Jacob C. Kamp, respondent.—Argued by E. H. Berm, of counsel for appellant; by F. J. Fithian, for respondent.

GENERAL CALENDAR.

No. 97. Frederick K. Scoueld and others, appellants, vs. John M. Gregor, respondent.—Argued by M. Anthony, of counsel for appellant; by H. H. Hustis, for respondent.

No. 21. Thaver H. Codding, appellant, vs. Thomas

thony, of counsel for appellant, by H. B. Russis, for respondent.

No. 21. Thayer H. Codding, appellant, vs. Thomas Newman, executor, &c., respondent.—Argued by John Van Voorbes, of counsel for appellant; by George F. Danforth, for respondent.

No. 24. Annie E. Frazer, sole executifix, &c., appellant, vs. A. Wycoff, respondent.

No. 74. The Second National Bank of Watkins, appellant, vs. Gabriella Miller, respondent.—Argued by James B. Dewey, of counsel for appellant; by J. McGuire for respondent.

CALENDAR.

The following is the day calendar for Wednesday.

December 8, 1875:—Nos. 92, 101, 105, 106, 94, 36, 35 and 82.

UNITED STATES SUPREME COURT. WASHINGTON, Dec. 7, 1875. In the United States Supreme Court yesterday the

following case was argued:—
No. 65. The propeller Colorado vs. Hudson—Appeal from the Circuit Court for the Eastern district of Michigan. - This was a case of collision in Lake Huron, off Saginaw Bay, between the bark H. P. Bridge and the Colorado, on the night of the 11th of May, 1869. The bark and her cargo were a loss, and her owner brought the libel and obtained a decree below \$35,000. The bark charged the propeller with being at fault in not having a sufficient watch on deck, with proceeding at too high a rate of speed, and with general mismanagement when the colliimminent. The propeller responded that the bark did not have a proper fog horn; that she was proceeding at too great a rate of speed and did not change her course,

too great a rate of speed and did not change her course, which so doing the socident might have been avoided, and that the loss was made total by the abandonment of the officers and crew of the bark after the collision. It was also contended that if neither of these allegations were true then the occurrence was one of inevitable accident and was not the work of the propeller. The decision being for the bark it is here contended that the facts shown sustained the allegations of the propeller, and, if not sustained as to the conduct of the bark, then the case is one of pure accident. George B. Hibbard for appellant; Newberry, Pond and Brown for appellea. In the Supreme Court of the United States to-day, on motion of Mr. J. G. Abbott, Mr. John Frelinghuysen Hageman, of Princeton, was admitted to practise as an attorney and counsellor of this court. On motion of Mr. Assistant Attorney General Smith, G. C. Yeaton, of South Berwick, Me., was admitted to practise as an attorney and counsellor of this court. No. 65. The Propeller Colorado, &c., appellant vs. Elon W. Hudson, owner of the barge H. P. Bridge, &c.—The argument of this cause was continued by Mr. George B. Hibbard, of counsel for the appellants, and by Mr. J. G. Abbott and Mr. Ashley Pond for the appellea, and concluded by Mr. George B. Hibbard for the appellant.

the appellant. No. 63. August F. Ludwig et al., appellants, vs. the propeller Free State, &c.—The argument of this cause was commenced by Mr. W. A. Moore, of counsel for the appellants, and by Mr. George B. Hibbard, for the Adjourned until to-morrow at twelve o'clock.

THE OPPOSITION FERRY.

The steamboat Sappho is to take the place of the Minnie R. Childs, now running from pler 8 North River to Stapleton, Staten Island, this morning. The company have been negotiating for a boat ever since the burning of the D. R. Martin, but have been unable to get one that can make the time—that is, the round frip in one hour. They have also built a waiting room on pier 8 North River, which does not look much like getting the slip foot of Whitehall street this winter.

STATEN ISLAND ROUGHS.

The people about Clifton are much annoyed by a gang of ruffians known as the Wood Road Modocs, who insult ooth ladies and gentlemen nightly when passing the street corners. One of them, named Charles O. Terry, was arrested yesterday and taken before Justice Kane on the charge of disorderly conduct and threatening the life of the officer who arrested him. After a hearing the Justice discharged him with a severe reprimand, promising him six months in the Penikutiary if he was ever brought before him again.

LOW FREIGHTS DEMANDED.

MEETING OF THE CHEAP TRANSPORTATION AS-

SOCIATION-AN INTERESTING REPORT. The Board of Directors of the New York Cheap Trans portation Association met yesterday, at No. 110 Pearl street, to hear reports of committees relative to the action of the railway companies in making freight tariffs to the West which compels buyers at New York to pay higher tariffs than from Boston, Philadelphia and Baltimore, although the goods are sold at lower prices in New York

than in the other cities named.

The meeting was very well attended. Mr. B. P. Baker presided, with Mr. Lees as Secretary. The Committee on Railways read many interesting letters, received since the last meeting, on the tariffs discriminat ing against New York, and the Board ordered the correspondence to be placed before the meeting of merchants in the Chamber of Commerce to-day. Among other letters of interest is one from the New York Central Railroad Company. Speeches were made by Mr. .G. A. Merwin, John H. Kemp, F. B. Thurber, Charles Watrous and others, in favor of a combined action of the merchants of New York to construct a double track freight railway from New York to Omaha, with branches to Chicago and St. Louis.

The delegation from the association to the American Board of Transportation and Commerce, to meet in Chicago on Wednesday next, will be composed of George A. Merwin, A. B. Miller, John H. Kemp, H. K. Miller, George Brown, Theodore F. Lees and B. P.

Baker. The following letter was read from Johnston & Co., No. 808 Broadway :- "We would find it a great convenience if we could register our merchandise packages. The present laws oblige us to pay letter postage on any mail matter that we register. We do not think that it would cost the government, more to write up a merchandise package than it does to write up a regis-tered letter, for which the charge is ten cents. If we have a four ounce package to send by merchandise mall it costs four cents, and we would willingly pay ten cents more registry fee; but, by the law, we must pay twenty-four cents postage and ten cents registry, or send it without registry. It is possible that there is some reason for this rule that we do not see, but we would suggest that, as the present law is likely to be well overhauled at the opening of Congress, our association consider what will be the most efficient method of securing the change herein proposed, and inaugurate the effort." It was referred to the Committee on Legis-

The President announced that the annual meeting and election of officers of the association will be held on the third Tuesday in January.

Mr. John H. Kemp, chairman of the Committee on Claims and Grievances, read the following report, which was accepted and adopted, after which the meeting adjourned:-

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THE REPORT.

Mr. PRESIDENT—At the lass meeting of this Board the Committee on Claims and Grievannes reported several instances, illustrative of a large number, to which our attention had been called, where, in shipments made to Western points from Boston and from New York, there was a clear discrimination in rates against this city of at least thirty per cent. During the past few weeks numer, ous other instances have been reported, showing that the discrimination at present is against us about 100 per cent. We will recite one case that plainly illustrates the practical effect of the condition of things complained of.

A Western dealer orders a quantity of soda ash through a New York broker. The price of the article here was 2c. per pound, gold; freight from New York to destination, 41c. per 100. In Boston the article was held at 21-15c. per pound gold; freight from Boston to destination, 21c. per 100. The 1-16c. per pound cost of the article in Boston over the price in New York was a difference of 13½ per 100 in favor of making the purchase in Boston. The difference of itself was a hand-some profit, and, it is unnecessary to add, the soda ash was bought in Boston, although the price of the article was less here. In this instance, and in the instances referred to in our last report, the shipments wero made over a railroad that owes its existence to franchises obtained from this State, and which is universally recognized as a New York road.

A SIGNIFICANT CARD.

ASSEMBLANT CARD.

A SUSMIPICANT CARD.

Our attention has also been called to stationery used
by Boston merchants in their correspondence, on
which appears the following conspicuous card:—
Wholesate merchants take notice." "Freight from
Caston to Sustant and Western points in parally less Boston to Southern and Western points is usually less than from New York." The relative interests of the corporations on which we are dependent for railway ransportation to the West, as set forth in our last recorporations on which we are dependent for railway transportation to the West, as set forth in our last report, place this community in a position where, in our opinion, it will ever be liable to such discriminations in freight rates as those alluded to, at least so long as we continue to be dependent on these corporations. It has been said that the Baltimore and Ohio road is operated in the interest of Baltimore. It doubtless is so operated, just so far as that plan of operation serves the interests of the Baltimore and Ohio corporation and its mahagers, but no further. It is true that the interests of that corporation and of the city of Baltimore are more closely allied than are the interests of any other trunk line with this or any other seaboard city. But we find, since the Baltimore and Ohio company has come to an understanding with the other trunk lines in regard to rates out of New York and other points included in the combination, that company is receiving freights at Boston, transporting by sea to Baltimore, and from thence over their road to the West, at less than their rates from Baltimore to the same points. This action of the Baltimore and Ohio company is on a par with the Pennsylvania and Eric companies, who will bill from Boston at less rates than from New York and stand the arbitrary charges from Boston to and through the city. and stand the arbitrary charges from Boston to and

will bill from Boston at less rates than from New York and stand the arbitrary charges from Boston to and through the city.

THESE ANDMALIES OF THE TRUNK LINKS arise from the fact that the New York Central road cannot, or assumes that it cannot, consistently make its rates out of Boston conform to its rates out of New York. We would respectfully suggest to the Committee on Railway Transportation that facts such as we have herein briefly mentioned point unmistakably to a danger which threatens not only New York, but every city and State in the Union, should our transportation system continue much longer absolutely under corporate control. Unless there shall be provided some measure, broad and national in character, which shall regulate and harmonize conflicting elements, and make the interests of corporations or individuals, we may expect to see the commerce of this country, sooner or later, bear the same relation to the commerce of other countries as a guerilla warfare bears to the movements of a well disciplined army. Your committee is doing all in its power to devise means for temporary relief in the matter which forms the subject of this report, and is now in communication with proper parties to that end.

A letter, a copy of which we append to this report,

A letter, a copy of which we append to this report,

end.

A letter, a copy of which we append to this report, has been addressed by prominent merchants to leading houses in different branches of trade, calling a meeting to-morrow at the Chamber of Commerce to consider the subject.

Respectfully submitted—John H. Komp, W. H. Wiley, George Brown, James S. Barron, Benjamin Lichtenstein and Theodore F. Lees, Committee.

CALL FOR A NEXTING.

DEAR SIES—The course adopted by the freight lines out of New York within the past few years has become so antagonistic to the general commercial interests of our city and so injurious to many of the leading branches of trade centred here, to the great special advantage of neighboring competing points, that unless New York merchants take some prompt and definite action to protect themselves and the future welfare of the metropolis both must suffer seriously.

The combination rates west from New York for the present winter have been arranged on a basis to many important points of nearly 100 per cent in favor of Boston, and always largely in favor of Baltimore and Philadelphis, mostly over the same roads.

It has been proposed, for the sake of some immediate expression of the widespread dissatisfaction felt here on this account, that one leading house from each class of trade directly affected by the injustice should be asked—To prepare a short, condensed statement of the relation New York bears to other cities on this question at the present time as far as their line of goods is considered, and

To be represented with such statement at a meeting to be held at the rooms of the Chamber of Commerce, at the corner of William and Cedar streets on Wednesday next, the Sth inst., at two o'clock P. M., to consider the facts and take such early steps as will best secure satisfactory relief.

May we ask your hearty co-operation, and, through you that of the kranch of trade are recovered.

NEW HORTICULTURAL SOCIETY.

the establishment of James T. Markland, at No. 12 Cortlandt street. At a previous meeting preliminary arrangements were made for the formation of a New York Horticultural Society, and measures had been taken to procure the charter of a like organization which has for some time past ceased to exist. A committee appointed on constitution and by-laws Inid before the gathering a comprehensive plan of management and made suitable suggestions about the ends to be proposed. The association was then duly organized under the name of the New York Horticultural Society. John Henderson, of Flushing, was elected President; George Such, W. C. Wilson, J. Patterson and R. B. Parsons Vice Presidents; W. J. Davidson Recording Secretary, Peter Henderson Corresponding Secretary, and Isane H. Young Treasurer. Committees on Finance, Management, and Fruit and Vegetables were appointed, and rules specifying their functions were determined upon. The President in an address them set forward that the objects of the society were the diffusion of a correct information on horticultural topics and the promotion of a taste for horticulture. Various plans for keeping up a lively interest in such matters were adopted, among others the scheme of a semi-annual exhibition, at which prizes would be distributed for the most perfect and curious productions. After some debate relative to the future management of the society the meeting adjourned until the first Thursday in January. before the gathering a comprehensive plan of manage-

Counsel Whitney.

CITY MONEY SQUANDERED.

Diving Into the District Courts-Where the Fees Go.

The Senate Investigating Committee met yesterday

at the Fifth Avenue Hotel, Senator Booth in the chair. William C. Whitney, Corporation Counsel, was the first witness called. He testified that he held the above office since the 9th of last August; he was coun sel for all the departments but the Health Department and made special assignments of counsel for the Police Department and the Department of Buildings; the appropriation proper for clerks and assistants for the present year was \$52,000; his own salary was \$15,000, and there was also an appropriation of \$100,000 for contingencies; when he came into office he found that the whole appropriation for contingencies had been exhausted on account of the liabilities incurred by his predecessors, but nearly all the other appropriations remained. The Bureau of the Public Administrator is under the control of the Cor-poration Counsel, but there was some dispute whether the Bureau of Personal Taxes is or is not. It was created by a special inw in 1867, and the charter of 1875 did not include it in the offices placed under the control of the Corporation Counsel. It is inserted in the Law Department, and it may appoint an attorney for the collection of personal taxes. The appropriation for the Public Administrator's office is \$8,000 for salaries and \$1,000 for contingencies. In the Corporation Attorney's office it is \$10,000 for salaries and \$1,000 for contingencies. In consultation with the Mayor and Board of Apportionment it was decided to reduce the appropriation for the present year \$25,000, but that was taken altogether from the contingent fund.

Mr. Davenport—Do you exercise control over special

unsel assigned to different departments?

Mr. Whitney-No, I do not. They make reports

Mr. Whitney—No, I do not. They make reports when I specially call on them. There are 3,000 suits now pending, some of them running back for years. Mr. Davenport—Mr. Whitney, the committee would like to hear from you in regard to your office and the claims against the city, how they might be improved and the city saved money?

Mr. Whitney—In answer to your question I would say that there has been a great deal of useless litigation for want of a proper system. The Comptroller and I agree that the Law Department cought at all times to be in co operation with his auditing bureau. The auditing bureau of the Finance Department is the place where claims against the city government are, in the first instance, investigated; and, at the time that they are investigated, there should be there a lawyer representing the Law Department to assist in the investigation, pass upon legal questions, suggest modes of investigation add inquiry, and co-operate with the Finance Department; so that when a claim is passed upon in the first instance it shall be decided having in view both the facts and the law applicable thereto. Then if it is decided to be an illegal claim, when it comes into the Law Department it should be contested to the end; but, if it is a legal claim, it should be paid or compromised without litigation and the expense attending it.

Mr. Davenport—It is your idea that an assistant hised without litigation and the expense attending it.

Mr. Davenport—It is your idea that an assistant

om your office should be— Mr. Whitney—In co-operation and consultation with

Mr. Davenport—It is your least that an assistant from your office should be—

Mr. Whitney—In co-operation and consultation with such bureau.

Mr. Davenport—Not specially attached to it?

Mr. Whitney—No, not specially attached to it? I think that a very competent man ought to be assigned by the Law Department to the Comptroller's office, and I intend at an early day to employ such a person to represent the office in the Finance Department; this plan is concurred in by the Comptroller's office, and I intend at an early day to employ such a person to represent the office in the Finance Department; this plan is concurred in by the Comptroller's often when a case comes to train or is approaching trial we find, upon investigation, that by reason of some law having been overlooked, or some principle of law not having been couractely investigated, the case cannot be won by the city, and we are obliged to go into court and be beaten, or consent to a settlement or dispose of it the best way we can; there has been a great deal of this, involving great expense to the city, and I think it ought to be stopped; I think there is one little thing which would be of great benefit to the city if it could be done; one great difficulty that the Law Department encounters is in enforcing the provisions of the charter which provide that no department shall incur a liability without previous appropriation, and the increases mainly from the fact that the various departments make expenditures in excess of their appropriations, aithough the charter distinctly provides that it shall not be done. Now, the Law Department sets up the defence that the appropriation for the payment of the claim is exhausted, but is at great disadvantage in maintaining the defence on account of the shape that the case takes under the existing law. When the case gets into court it appears that when the liability was incurred there was money to the credit of the spropriation in the Comptroller's office—enough to pay it—although the department which incurs the liabi

and the debt of the city is increased so much. It is really in violation of the law, because the charter has enacted what purported to be a system by which there should be some limitation upon the power of the various executive departments to contract habilities for which the city is responsible. Now, if there could be any system by which the various departments should be obliged to register their liabilities at the time that they were made, so that persons dealing with the city should get a specific hen upon a fund, then it could be known at all times just how much money was exhausted, and the Law Department could enforce the provisions of the law. At present in undertaking to enforce this provision of the charter we are in the unfortunate position of undertaking to maintain what looks like an unconscionable present in undertaking to enforce this provision of the charter we are in the unfortunate position of undertaking to maintain what looks like an unconscionable defence, trying to "win on the execution," as lawyers call it. The supplies having been furnished the city or the work done, whatever it may be, of course the leaning of the judiciary is very much in favor of the claimant in any individual case. But if a system were provided by which a man with diligence could get a specific lien upon a fund by means of a system under which the executive departments were required to register their various liabilities when they were made, then there would be no equity in favor of a min who contracted with the city at a time when the registered liabilities showed that the fund out of which he should be paid was exhausted.

there would be no equity in favor of a man who contracted with the city at a time when the registered liabilities showed that the fund out of which he should be paid was exhausted.

Mr. John H. Wheeler, President of the Board of Commissioners of Taxes and Assessments, was called to the stand and sworn. Mr. Wheeler said he came into office on the 9th of May, 1873; there were two other Commissioners, Charles H. Andrews and John H. Hayward. He was asked as to the amount of arrears of personal taxes and the amount of assessable property. He could not tell the exact amount then, but would send a statement to the committee giving the required information. The amount of the appropriation for the present year is \$129,800; salaries of fifty clorks, \$109,400; seven assessors, \$19,400, and contingent fund, \$1,000; and for 1876 the appropriation was \$248,600; 1873, \$254,700; 1874, \$157,460, and the revised estimate made it \$147,400; the principal reduction made by the present board was in the matter of salaries; two deputies; two deputies; two deputies were reduced from \$5,000 at \$3,000 to \$2,000 and the assessors from \$5,000 at \$3,000; the amount of taxes appropriated for State purposes he could not give.

Mr. Davenport—Do you think three Commissioners of Taxes are necessary? Do you not think one man would be sufficient to take charge of that bureau?

Mr. Wheeler—No, sir; I do not think it would be advisable to place the Bureau of Taxes and Assessment under the charge of the Comptroller?

Mr. Meeler—No, sir; I do not think it divisable, John H. Whittemore, Clerk of the Third District Court was the next witness. He testined that there were two assistant clerks, a stenographer, two attendants and an interpreter; also a janitor attached to the court. He did not think that the court could well be run with less attachés. The amount claimed on the payroll for the present month was \$1,924.99; the amount allowed was \$1,549.98. The clerks of the District Court receive their pay under special voucher. The Board of Apportionement re

Yesterday afternoon a large number of florists and gentlemen concerned in horticultural interests met in of \$10,000 a year.

Mr. Davenport—I believe that the present clerks claim that they hold their positions under the incoming

Mr. Davenport—I believe that the present clerks claim that they hold their positions under the incoming magistrates?

Mr. Whittemore—Yes, sir; they claim that they were appointed by the action of the Supervisors, and the Judge has no power to remove them. One case was decided, as to Justice Quin's court, the gan against Flyin, and another case from our court, the case of Mr. McCabe as to the power of the Justice to remove. Mr Bavenport—How many dispossess warrants are issued from your court during the year?

Mr. Whittemore—I do not know; in fact the office does not keep any record of it; that matter concerns the judge directly.

Mr. Davenport—What is the fee?

Mr. Whittemore—Two dollars; the dispossess fees are not returned to the Comptroller; all other fees are. Mr. Davenport—How many cases were prought before your court last year?

Mr. Whittemore—There were about 2,000 summons cases, 3,000 Board of Health cases and 2,500 cases from the Corporation Attorney's office.

Mr. Davenport—How many of these cases were tried?

Mr. Whittemore—About one-third; a great many of the Board of Health and Corporation Attorney's cases are settled at once; they are merely called.

The last witness called was Mr. Henry McCabe, clerk of the Sixth District Court. He testified that he came into office on the 12th of February last. There are attached to the court an assistant clerk, named Michael Nolau; a stenographer, named William F. Foley; an interpreter meanst about 1000 cases from the courter of the Sixth District Court.

THE SENATE COMMITTEE. ants, Michael O'Connor and Thomas Rieman. The name of the Justice is Thaddens H. Lane. He did not think that all the attachés were necessary. The Janitor was not around the building all day. He came in once in awhite to throw a shovelful of coal on the fire. One a tendant would be sufficient. The janitor has one day of the court and the plumber down stairs has another.

another.

Mr. Davenport—Has the court room ever been used for any other purpose than a court room?

Mr. McCabe—A lodge of painters meet there the first Memday of every month and there was a political meeting sail there last month in the interest of John T. McGowan.

meeting real there last month in the interest of John T. McGowan.

Mr. Davenport (laughing)—One of the Assembly Committee on Crime?

Mr. McCabe—I believe so.

Mr. McCabe bell believe so.

Mr. McCabe did not know anything about the dispossess warrants. The marshals got the fee, which was \$4, and he did not know what became of it after they got it. The regular fees of the court are turned over to the Comptroller.

Mr. Davenport—Mr. McCabe, who is Mr. Bernard?

Mr. McCabe—He is a clerk to one of the marshals; he sometimes acts as Assistant Clerk when the Assistant Clerk is out, and sometimes remains in the office for me when I am at dinner.

The committee then adjourned till this morning, at hall-past ten. hali-past ten.

STANDERMANN'S SANITY.

MEDICAL EXAMINATION INTO THE MENTAL CON-

DITION OF THE CONDEMNED MAN. The medical examination ordered in the case of Jacob Standermann, the condemned murderer of Louisa Liedenwalt, was commenced yesterday at the Tombs. There were present Drs. John Ordronauxand James

2. Wood, Counsellor Howe and several witnesses. Philip Hahn, who was the first witness examined, testifled :- I reside at No. 41 Chatham street; I am from the same part of Germany that Standermann came from; have known him since childhood; remember seeing him when he was six years of age, at which ago he was suffering from a cut on the head-a deep gash; it was so deep that I remember seeing the workings of his brain; after recovering from the wound the child acted in a strange manner, and nover afterward seemed right; when he grew up he was exempted from military duty on account of mental incompetency; I knew his mother; she was subject to epidentic flis; had them often four or five times a day; she finally died in one; Jacob Standermann was cleven years of age at the time of her death; he has been in this country about five years; I saw him about two weeks previous to the shooting; one of his sisters died in an epideptic fit.

Dr. John C Hannan, being sworn, testified:—I have known Jacob Standermann since the first day of his trial; was summoned as a medical expert; did not examine him, but answered the hypothetical question relating to his sanity, at the date of the commission of his offence; I believed, and so stated, that he was insane at the time of the murder; I remarked about his hereditary predisposition to insanity and the injury on the head he received when a child; I based my opinion on the following points, viz.:—The hereditary predisposition to insanity and the injury on the prisoner from the testimony that his mother died in an epideptic fit; second, that such predisposition tends to produce in the children either insanity, epilepsy or nervousness; third, that he had a fall when young from a hayloft, injuring his skull and producing concussion of the brain, from which injury he kept his bed five or six months, and his exemption from military duty on that account; fourth, from the unaccountable impulse evinced in his manner of threatening on several occasions to shoot the object of his affections; fifth, from the act itself, taking it more to be the act of an insane man than a sane man; sixth, the subsequent symptoms exhibited by him while in prison, consisting in leaving his bed at night to sleep on the floor, under the bed, and, when roused, not appearing to know where he was.

Standermann's brother certified to the truth of Hahn's statement, ab it was so deep that I remember seeing the workings of his brain; after recovering from the wound the

THE CONDEMNED MURDERERS.

HOW THEY APPEARED AT EXERCISE YESTERDAY. A reporter of the Herand was present yesterday inside the Tombs during the exercise hour of the murderers. Dolan was lying at the end of the corridor, on a soft couch specially prepared for him, and expressed himself as exceedingly ill. One of the two Sisters of Charity who daily visit the wretched condemned was conversing with him, and he seemed to listen intently to the consoling words she uttered. After she had gone he walked about with downcast expression for a few minutes, and then laid down again. He was very reserved during the entire day, and has, to all appear-

ances, completely lost nerve. Weston, one of the trio of blacks, hailed the reporter and asked if he was not the same who sat alongside of him during his trial. Upon being answered in the at-firmative, he opened his bosom and began to talk right freely. He takes his lot quite sensibly, and looks upon his final going off at the rope's end as something in the line of the inevitable. While pulling vigorously at a cigar he asked the reporter what Doian's chances were?

Were?

REPORTER—Well, be may be respited for a week by the Governor, but he will eventually hang.

WESTOS—(Pulling complacently on his cigar, looking upward) You don't think there's any hope of saving him, ch?" REPORTER—No, indeed.
Weston—Then you think he'll have to swing; is that

REPORTER—Yes.

WESTON—(Looking at the "bite" of his cigar with comfortable indifference.) Well, that's rough—that is rough. What do you think of my chances?

REPORTER—Poorly; in fact you have no chance at all

REPORTER—Poorly; in fact you have no chance at all that I can see.

Weston—I ought to have had the benefit of my confession; at least so they tell me.

Just at this stage Deputy Warden Finlay came up and entered into a dispute, in a friendly way, about the length of 'time Weston had been out, the former contending that an hour had elapsed and the latter, with a wink at the reporter, steadily maintaining that but a half hour had passed.

The two deputy sheriffs continue to watch Dolan during the day, while at night three of the Sheriff's officers keep guard. Warden Quinn says he has hundreds of applicants for admission, anxious to see the condemned; but, out of consideration for their feelings, positively declines to allow any one inside except those properly having business there.

Dolan's mother, a very tidy, elderly woman, and his wife were in to see him yesterday, and hold long an' close converse with him. He is completely dispirited.

DELANEY STILL VIOLENT.

There appears to be little probability that the move ment for a reprieve of Delancy, the murderer of Captain Lawrence, will be successful Judge Armstrong, who tenced him, refuses to make any movement in his behalf and District Attorney Downing opposes the effort to obtain an examination of the prisoner to determine the question of his lunacy. The prisoner is, unquestionably, subject to fits of uncontrollable passion, but it is regarded as questionable whether these are in any degree traceable to insanity, though they may be the result of a naturally unbalanced mind. He still expresses the desire to kill two of the keepers who have been most constant in attendance upon him, and who have been uniform in their kindness toward him, "Gus" Rushmar, son of the principal keeper, and Andrew Smith, declaring that ne would be willing to die if he could wreak his vengeance upon them. In the intervals of his fits of violence he is quite calm and converses quite rationally. On Monday he sent for Sheriff Sammis and taked with him for some time. He expressed regret for all the trouble he had given and hoped the Sheriff would forgive him. Yesterday, however, he was very violent again, and when one of the keepers opened the wicket of his cell for the reception of excrement, tore his bed and bedclothing in strips, and raged like a mad buil. He declares constantly that he will never be hung and bonsts that he can free himself from his shackles at any time. The Sheriff and his officers apprehend a great deal of trouble from him on the day of his execution. presses the desire to kill two of the keepers who have

CRUELTY TO ANIMALS. A meeting of the Executive Committee of the Ameri-

can Society for the Prevention of Cruelty to Animals was held yesterday at its headquarters, Hon. Townsend Harris in the chair. There were also present John M. Bixby, N. M. Beckwith, Royal Phelps, N. P. Hosack, Nathan C. Ely and Henry Bergh. The secretary having read the minutes of the previous meeting the counsel reported that he had, in company with the president, Mr. Bergh, attended a meeting at Newark for the pur Mr. Bergh, attended a meeting at Newark for the purpose of discussing the question of the transportation of cattle, and their protection from cruelty during transit. He also reported the favorable decision of Judge Larremore in the case of the hog slaughterers. Letters were read from Singapore, Lisbon and other foreign parts asking for information and advices in the formation of kindred societies. A lecture by the President at Bridgeport was reported. Mr. James M. Bröwn and Hon. Thomas Cooper Campbell were elected members and the city of Brooklyn branch was duly elected as an auxiliary society. Communications were read from a number of ladies and gentlemen on various subjects. The Superintendent, Mr. Hartfield, reported that since the 1st of January last the Society had presecuted 535 cases of cruelty to animals in the courts in this city and Brooklyn alone. Eleven hundred and flaynine horses, found sick and unfit for work, had been ordered out of harness and sent home or to the veterinary surgeons for treatment; of these 7sh were laine, 342 suffering from sores and 75 were old and worn out. Seventy-three drivers were stopped and compelied to dump portions of their heavy louds; 1,077 candemied and varynthese drivers were stopped and compelied to dump portions of their heavy louds; 1,077 candemied and varynth dogs and cats had also been humanely killed. In addition to the above nearly 700 complaints had been investigated. The ambulances had been called out on 169 occasions and removed disabled animals from the streets. After some seventhese called out on 169 occasions and removed disabled animals from the streets. After some seventhese the susiness the meeting adourned. pose of discussing the question of the transportation of